

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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Wisconsin Resources Protection  
Council, Center for Biological  
Diversity, and Laura Gauger,

Plaintiffs,

v.

Case No. 11-cv-45

Flambeau Mining Company,

Defendant.

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**SUPPLEMENTAL DECLARATION OF JAMES N. SAUL IN SUPPORT OF  
PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT**

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James N. Saul declares as follows under penalty of perjury pursuant to 28 U.S.C.

§ 1746:

1. I make these statements on personal knowledge.
2. I am one of the attorneys for Plaintiffs in the above-captioned civil action.
3. Attached hereto as **Exhibit A** is a true and correct copy of Deposition

Exhibit 7 in this case.

4. Attached hereto as **Exhibit B** is a true and correct copy of portions of the website of the Wisconsin Department of Natural Resources (WDNR) pertaining to its recent proposal to list Stream C as an "impaired water" pursuant to CWA § 303(d) for acute copper and zinc toxicity. The three web pages included as Exhibit B were converted to PDF on December 14, 2011.

5. Attached hereto as **Exhibit C** is a true and correct copy of a CWA § 404 “wetland fill” permit and preliminary jurisdictional determination issued to Defendant by the U.S. Army Corps of Engineers in July of 2011.

PURSUANT TO 28 U.S.C. § 1746, I VERIFY UNDER PENALTY OF PERJURY THAT THE STATEMENTS IN THIS DECLARATION ARE TRUE AND CORRECT AND BASED UPON MY PERSONAL KNOWLEDGE.

Dated this 19th day of December, 2011.

/s/ James N. Saul